

1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
2 the matter of Plaintiff's assignment of EAJA fees to Counsel (Dkt. 18-3). Pursuant to *Astrue v.*
3 *Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the
4 assignment will depend on whether the fees are subject to any offset allowed under the United
5 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered,
6 the government will determine whether they are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
8 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,
9 expenses and costs to be made directly to Counsel Robert C. Weems, pursuant to the assignment
10 executed by Plaintiff. Any payments made shall be delivered to Counsel.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
12 attorney fees, and does not constitute an admission of liability on the part of Defendant under
13 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from,
14 and bar to, any and all claims that Plaintiff and/or Counsel, including Counsel's firm, may have
15 relating to EAJA attorney fees in connection with this action.

16 This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek
17 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
18 provisions of the EAJA.

19 Respectfully submitted this 7th day of December 2020.

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21
22 Respectfully submitted,

23 Dated: December 7, 2020

/s/ Robert C. Weems*

(*as authorized via e-mail on Dec. 7, 2020)

ROBERT C. WEEMS

Attorney for Plaintiff

26 Dated: December 7, 2020

McGREGOR W. SCOTT

United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration


By: /s/ Ellinor R. Coder
ELLINOR R. CODER
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that:

1. Plaintiff's motion for attorney fees (ECF No. 18) is denied as moot; and
2. Fees and expenses in the amount of twelve thousand dollars and no cents, (\$12,000.00) as authorized by 28 U.S.C. § 2412, and no costs authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

Dated: December 8, 2020



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE